

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 7, 14, and 20 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 1-20 are now pending in this application.

Specification

In section 2 of the Office Action, the Examiner objected to Claims 1, 14, and 20 for providing insufficient antecedent basis for the limitation “no charge is being provided to the battery.” Applicants respectfully submit that Claims 1, 14, and 20 have been amended to provide sufficient antecedent basis. Accordingly, Applicants request withdrawal of the objection to Claims 1, 14, and 20.

Claim Rejections – 35 U.S.C. § 103

In section 3 of the Office Action, the Examiner rejected Claims 1, 3, and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Soini et al. and Buhrmann. The Examiner states that as to Claim 1, “Miller differs from claim 1 of the present invention in that it does not explicitly disclose the transceiver configured to send and receive data while the battery charge is below the low level, the battery unable to power the transceiver when the charge is below the low level, and no charge is being provided to the battery.” Further, the Examiner indicates that Soini et al. teaches that the transceiver may be operated when the battery charge drops below a preset limit. However, the telephone transceiver is powered off when the charge drops below a second preset limit value. Accordingly, what is not taught by Soini et al. is that

“the transceiver configured to send and receive data while the battery charge is below the low level and the recharger provides charge to the rechargeable battery and the transceiver” (Claims 1 and 14) and the low level is a level at which the transceiver is unable to operate when no charge is being provided to the battery by the recharger. The Examiner goes on to indicate that Buhrmann teaches a wireless transceiver powered by a landline connected to local exchange to provide power to the transceiver of wireless phone. However, the connection to the landline taught in Buhrmann is not a recharger connection as recited in Claims 1 and 14 of the application. Accordingly, Buhrmann does not contemplate that a battery is being recharged while the telephone transceiver is being used by the telephone device. Accordingly, there is no teaching of such a limitation in any of the references and further, no motivation is provided by Buhrmann to combine with the teachings of Miller and Soini et al. to arrive at Applicants’ invention. All that is taught by Buhrmann is that a phone may be plugged into a power source to provide power to the transceiver. What is not taught by any combination of Buhrmann, Soini et al., and Miller is that once the battery of the device has been discharged to a point at which it can no longer power a radio transceiver, the device may be plugged into a recharging connection and both the battery will be recharged and the transceiver may be used. Therefore, for the reasons given above, Applicants respectfully request that Claims 1 and 14 and their dependent claims are allowable.

In section 5 of the Office Action, the Examiner rejected Claims 7-13 under 35 U.S.C. § 103(a) as being unpatentable over Soini et al. in view of Janik et al. Applicants have amended independent Claim 7 to more clearly define the relatively low charge claimed. Applicants recite “the relatively low charge being too low to transmit information using a transceiver of the handheld computer.” Applicants respectfully submit that neither Soini et al. nor Janik et al. discloses, teaches, or suggests that the recharger provides power from the recharger to the transceiver of the handheld computer and the battery while the handheld computer is coupled to the recharger and the RF link is established using a transceiver when the battery has a charge below the low charge and the handheld computer is coupled to the recharger. Accordingly, Applicants respectfully submit that no combination of Soini et al. and Janik et al. provides all of

the limitations recited in independent Claim 7. Therefore, Applicants respectfully submit that Claim 7 and its dependent claims are therefore allowable.

In section 8 of the Office Action, the Examiner rejected Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Janik et al. in view of Soini et al. and Buhrmann et al.

The Examiner states that as to Claim 20, “Janik et al. differs from claim 1 of the present invention in that it does not explicitly disclose the transceiver configured to send and receive data while the battery charge is below the low level, the battery unable to power the transceiver when the charge is below the low level, and no charge is being provided to the battery.” Further, the Examiner indicates that Soini et al. teaches that the transceiver may be operated when the battery charge drops below a preset limit. However, the telephone transceiver is powered off when the charge drops below a second preset limit value. Accordingly, what is not taught by Soini et al. is that “the transceiver configured to send and receive data while the battery charge is below the low level and the recharger provides charge to the rechargeable battery and the transceiver” and the low level is a level at which the transceiver is unable to operate when no charge is being provided to the battery by the recharger. The Examiner goes on to indicate that Buhrmann teaches a wireless transceiver powered by a landline connected to local exchange to provide power to the transceiver of wireless phone. However, the connection to the landline taught in Buhrmann is not a recharger connection as recited in Claim 20 of the application. Accordingly, Buhrmann does not contemplate that a battery is being recharged while the telephone transceiver is being used by the telephone device. Accordingly, there is no teaching of such a limitation in any of the references and further, no motivation is provided by Buhrmann to combine with the teachings of Janik et al. and Soini et al. to arrive at Applicants’ invention. All that is taught by Buhrmann is that a phone may be plugged into a power source to provide power to the transceiver. What is not taught by any combination of Buhrmann, Soini et al., and Janik et al. is that once the battery of the device has been discharged to a point at which it can no longer power a radio transceiver, the device may be plugged into a recharging connection and both the battery

will be recharged and the transceiver may be used. Therefore, for the reasons given above, Applicants respectfully request that Claim 20 and its dependent claims are allowable.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date November 03, 2004

By Alistair K. Chan

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5730
Facsimile: (414) 297-4900

Alistair K. Chan
Attorney for Applicants
Registration No. 44,603